

for implementing the control strategies in the Greeley urbanized area.

State Response: The State provided information on the status of a designated Lead Planning Agency to replace LWRCOG; this issue is currently being discussed by the government agencies in the Larimer-Weld areas. The State of Colorado currently has the legal authority and responsibility to carry out the control strategies identified in the submittal.

2. Identification of State as Enforcement Body

Concerning the enforcement of each of the control measures, it is clear that the State of Colorado bears the obligation to carry out enforcement responsibilities for the I/M program (Regulation 11), oxygenated fuels program (Regulation 13), and the woodstove Phase 2 standards (Regulation 4). However, direct citation identifying the State as the enforcement body of these control measures (as required in 40 CFR 51.111) was not provided.

State Response: The State submitted a table which identifies the State of Colorado's enforcement responsibility for each of the control measures.

Proposed Action

EPA proposes to approve the control strategies contained in the Colorado CO SIP revision for Greeley. This proposed approval is based upon the State's demonstration of adequate public awareness efforts and the commitment to implement the control strategies of an acceptable inspection and maintenance program, and oxygenated fuels program, and a strategy to control emissions from new woodstoves. These control strategies are projected to produce a CO emission reduction of 37-43% by 1990 and 48% by 1992. The SIP revision commits to attainment of the CO standard by 1992 and maintenance of CO levels beneath the standard through at least 1995. EPA believes that the State is making reasonable efforts to attain the standard and, thus, is proposing to approve the control measures submitted in the SIP revision.

On May 26, 1988, EPA, in a letter to the Governor, issued a SIP Call to Colorado for deficiencies in its CO SIP. The SIP Call stated a provisional finding concerning the Greeley plan in that the State must continue to evaluate the area's nonattainment status. The SIP Call expands the nonattainment area from the Greeley urbanized area (as defined earlier) to all of Weld County. It will be necessary for the State to evaluate the entire county (or Metropolitan Statistical Area (MSA)) for SIP planning purposes. However, the State, under EPA's proposed national

carbon monoxide/ozone policy (November 24, 1987, 52 FR 45044) will have the flexibility to apply control strategies to only that portion of the County necessary to attain and maintain the ambient air quality standard. In the SIP Call, EPA committed to continue evaluation of the Colorado SIP revision for Greeley. In the meantime, EPA is deferring action on the attainment and maintenance demonstration, and will address this SIP element in a future rulemaking action.

Interested parties are invited to comment on all aspects of these proposed actions.

Under 5 U.S.C. 605(b), I certify that this SIP Revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Authority: 42 U.S.C. 7401-7642.

Dated: June 29, 1988.

James J. Scherer.

Regional Administrator.

Editorial Note: This document was received at the Office of the Federal Register on February 27, 1990.

[FR Doc. 90-4816 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL 3728-3]

National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion of a Site

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete sites; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Reeser's Landfill Site from the National Priorities List (NPL) and requests public comment. As specified in Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which the EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), it has been determined that all Fund-financed responses under CERCLA have been implemented. EPA, in consultation with

the Commonwealth of Pennsylvania, has determined that no cleanup is appropriate. The purpose of this notice is to request public comment on the intent of EPA to delete the Reeser's Landfill Site.

DATES: Comments may be submitted on or before April 1, 1990.

ADDRESSES: Comments may be mailed to Victor Janosik, Remedial Project Manager, Superfund Branch, (3HW22), Environmental Protection Agency, 841 Chestnut Street, Philadelphia, PA 19107. For background information on the site, contact Victor Janosik at the above address.

The Deletion Docket is available for inspection Monday through Friday at the following locations and times:

U.S. EPA Region III, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia, PA 19107 from 9:00 am to 5:00 pm.

Parkland Community Library, 4422 Walbert Avenue, Allentown, PA 18104 from 9:00 am to 5:00 pm.

FOR FURTHER INFORMATION CONTACT: Victor Janosik (215) 597-8996.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction
- II. NPL Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The Environmental Protection Agency (EPA) Region III announces its intent to delete a site from the National Priorities List (NPL), Appendix B, of the National Oil and Hazardous Substances Contingency Plan (NPL), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to human health or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be remediated using the Hazardous Substances Superfund. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action.

EPA plans to delete the Reeser's Landfill Site in Upper Macungie Township, Lehigh County, Pennsylvania from the NPL.

The EPA will accept comments on this site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that the EPA is using for this action. Section IV discusses the Reeser's Landfill Site and explains how the site meets the deletion criteria.

II. NPL Deletion Criteria

Amendments to the NCP published in the **Federal Register** on November 20, 1985, (50 FR 47912) establish the criteria the Agency uses to delete sites from the NPL. Section 300.66(c)(7) of the NCP provides that:

Sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met.:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required:

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Before deciding to delete a site, EPA will make a determination that the remedy, or decision that no remedy is necessary, is protective of human health and the environment, consistent with section 121(d) of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such action. Section 300.66(c)(8) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862).

Deletion of a site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for information purposes and to assist Agency management. As mentioned in Section II of this notice, § 300.66(c)(8) of the NCP states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

For deletion of this site, EPA's Regional Office will accept and evaluate

public comments before making the final decision to delete.

A deletion occurs when the Regional Administrator places a notice in the **Federal Register**, and the NPL will reflect those deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by the Regional Office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this site from the NPL.

Reeser's Landfill Site, Upper Macungie Township, Pennsylvania

The Reeser's Landfill is located in Upper Macungie Township, Lehigh County, Pennsylvania, immediately east of the village of Haafsville and approximately 5 miles west of the City of Allentown. The approximately 15-acre site is the location of a non-operating landfill which had been operated by Edward F. Reeser of Reeser's Hauling Service. The landfill reportedly received many types of wastes from approximately 1970–1980 but no record of types and quantities was kept.

Residents in the immediate area of the landfill use ground water as their potable water source. In addition, the Lehigh County Authority operates a municipal well (LCA #6) less than 2000 feet east of the site. Runoff water from the landfill has the potential to reach Iron Run, a small stream which functions as the primary surface water drainage way for the area. Concern for adverse impacts on the area ground water and on Iron Run is the reason that the site was included on the National Priorities List (NPL) in July 1987.

In August 1983, EPA Region III conducted the Preliminary Assessment/Site Inspection (PA/SI) of the Reeser's Landfill. The PA/SI found slightly elevated levels of lead (Pb) and cadmium (Cd) in an abandoned well near the site, and slightly elevated mercury (Hg) concentrations in Iron Run and in a leachate seep on the landfill. Based on the results of the PA/SI, the site received a Hazard Ranking Score (HRS) of 30.35. A Remedial Investigation and Feasibility Study (RI/FS) of the site was authorized by EPA in April 1987. The field work for the RI was conducted in the fall of 1987 and the winter of 1988. The overall objective of the RI was to collect information needed to evaluate actual and potential risks to receptors from exposure to site-related contamination in soil, surface water, and ground water. The RI was conducted in one phase of field

activities lasting approximately six months that included:

- Geophysical survey.
- Landfill test pits and sampling.
- Onsite and offsite surface soil and surface water sampling.
- Completion of seven additional onsite and offsite soil borings.
- Analysis of water samples from nine private water supply wells and the LCA #6 well.
- Completion of an aquifer pumping test.
- Development of an endangerment assessment based on the results of the RI program.

The endangerment assessment has shown that no carcinogenic effects which might be attributed to the landfill would produce an exposure greater than 8×10^{-8} . Also, no scenario involving human exposure to the site would result in a Hazard Index of 1 or greater. The site is not contributing to any significant environmental degradation.

On March 30, 1989, the Acting Regional Administrator for EPA Region III approved a Record of Decision (ROD) which selected the No Action alternative for the Reeser's Landfill. That ROD also specifies that a review of the condition of the area ground water will be conducted within five years.

The No Action alternative is protective of both human health and the environment. All potential pathways were examined in order to make this determination. No direct contact threat exists from the site soils or from ground water. The Reeser's Landfill has not adversely impacted Iron Run, the receptor stream, as evidenced by the presence of similar contaminant levels upstream and downstream from the site.

EPA's decision to delete this site from the NPL and to perform one subsequent review of ground water is not inconsistent with CERCLA 121(c) or with the 5-year review/deletion recommendation in the Administrator's "A Management Review of the Superfund Program" (Management Review)(p.7). CERCLA 121(c) does not require reviews of sites for which no remedial actions are selected, but it does not preclude performance of reviews wherever appropriate at NPL sites. The Management Review stated that EPA would revise its deletion policy so that no site where hazardous substances remain would be deleted before performance of at least one 5-year review to confirm the protectiveness of the remedy.

The "No-action" alternative was selected for this site because no remedial action is required to ensure protection of human health and the

environment, thus deletion of the site from the NPL is appropriate.

The Commonwealth of Pennsylvania has concurred on this deletion.

Dated: February 5, 1990.

Stanley Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 90-4683 Filed 3-1-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-45; RM-7121]

Radio Broadcasting Services; Clovis and Madera, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Madera Broadcasting, Inc., licensee of Station KXXM(FM), Channel 221B1, Madera, California, seeking to change the community of license for Channel 221B1 from Madera to Clovis, California, and to modify its license accordingly. Coordinates used for this proposal are 36-55-50 and 119-38-38.

DATES: Comments must be filed on or before April 16, 1990, and reply comments on or before May 1, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Dennis P. Corbett and Stephen D. Baruch, Esqs., Leventhal, Senter & Lerman, 2000 K St., NW., Suite 600, Washington, DC 20006-1809.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-45, adopted January 29, 1989, and released February 23, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's

copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4794 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[MM Docket No. 88-138; DA 90-242]

Cable Services; Availability of Broadcast Signals on Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry; withdrawal and incorporation into another proceeding.

SUMMARY: The Commission terminates a proceeding (MM Docket No. 88-138) initiated by Notice of Inquiry (53 FR 18588, May 24, 1988) regarding the availability of broadcast signals on cable television systems. The record in this proceeding is incorporated into the record of a second, more comprehensive cable proceeding, MM Docket No. 89-600 (55 FR 10184, January 16, 1990), because the second proceeding encompasses the issues raised in the Docket 88-138.

EFFECTIVE DATE: March 2, 1990.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: David E. Horowitz, Mass Media Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 76

Cable television.

Inquiry into the Availability of Broadcast Television Signals on Cable Television Signals.

Order

Adopted: February 16, 1990.

Released: February 26, 1990.

By the Chief, Mass Media Bureau:

1. On March 24, 1988, the Commission adopted a *Notice of Inquiry* in the above-captioned matter, 3 FCC Rcd 2698 (1988), requesting data, empirical studies and other information concerning the availability of broadcast signals on cable television systems. In conjunction with signal carriage information, the Commission also requested information on any specific harms that broadcast stations may have experienced as a result of not being carried on a cable system within their service areas or of channel repositioning, that is, carriage of a broadcast signal by a cable system on a channel other than that on which the station broadcasts over-the-air.

2. The issues raised in the above-described cable signal carriage inquiry, however, are now subsumed by the Commission's more comprehensive inquiry proceeding in MM Docket No. 89-600, which was initiated on December 12, 1989. *See Notice of Inquiry* in MM Docket No. 89-600, FCC 89-345 (released Dec. 29, 1989). As the Commission stated in this later *Notice*, it has therefore decided to terminate MM Docket No. 88-138 and make the record developed in that docket a part of the record in MM Docket No. 89-600. *See id.* at ¶ 9. This *Order* constitutes the "ministerial action[]" necessary to implement that decision. *Id.* at ¶ 9, n.15.

3. Accordingly, *it is ordered* That the record developed in MM Docket No. 88-138 is incorporated into the record of MM Docket No. 89-600.

4. *It is further ordered.* That MM Docket No. 88-138 is terminated.

5. This action is taken pursuant to authority contained in sections 4(i), 303, 601 and 623(h) of the Communications Act of 1934, as amended.

Federal Communications Commission.

Roy J. Stewart,

Chief, Mass Media Bureau

[FR Doc. 90-4795 Filed 3-1-90; 8:45 am]

BILLING CODE 6712-01-M